PB# 80-11

YWCA

YWCA

80-11

approved with 25, 982H.



Oxford Pendaglex STOCK No. 7531/3

MADE IN U.S.A.

received 6/24/80

Memo FROM: Town Engine TOWN OF

TOWN OF NEW WINDSOR

555 UNION AVENUE , NEW WINDSOR, NEW YORK 12550

TO:

Ernest Spignardo, Chairman Planning Board

DATE: June 24, 1980

SUBJECT: YWCA

I have reviewed subject Site Plan and have found them acceptable in regards to drainage, road access, site distances and general site layout.

Paul V. Cuomo

TOWN ENGINEER

PVC/sh

fold Here---

by_____



Department of Public Works

ROUTE 17-M P.O. BOX 509 GOSHEN, NEW YORK 10924 TEL: Office 294-7951 - Garage 294-9115

LOUIS J. CASCINO, P.E. Commissioner

July 3, 1980

Re: Y.W.C.A.

Union Avenue, C.R. 69

Mr. Ernest Spignardo Chairman, Town of New Windsor Planning Board Enries Tailor Shop, Route 32 New Windsor, New York 12550

Dear Mr. Spignardo:

On Friday, May 30, 1980, I met with Donald Moller, Landscape Architect working with Whitfield and Remick, Architects. At that time, I inspected the site of the proposed Y.W.C.A. to be built on Union Avenue, C.R. 69 in the Town of New Windsor.

There are no problems as relates to sight distance and driveway grades; therefore, approval is hereby granted to ingress and egress to and from County Road 69 at the location shown on the site plan.

Prior to construction, the owner must secure a driveway permit from this department. Please contact Mr. William E. Duggan, Senior Engineer, Department of Public Works, for the application. and for any information relating to special requirements.

Very truly yours,

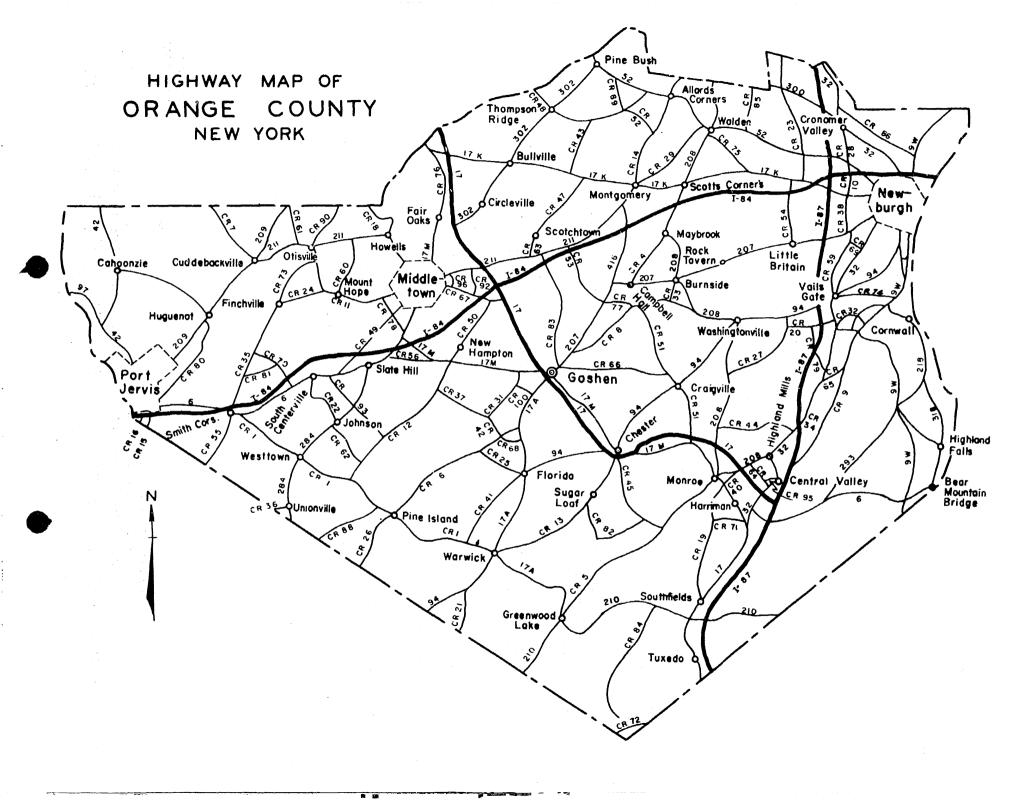
LJC:rjc

Lows J. Cascino

COMMISSIONER

cc: John A. Petro, Town Supervisor

Paul Cuomo, Town Engineer





Department of Public Works

/ ROUTE 17-M P.O. BOX 509 GOSHEN, NEW YORK 10924 TEL: Office 294-7951 - Garage 294-9115

LOUIS J. CASCINO, P.E. Commissioner

June 20, 1980

Re: Y.W.C.A.

Union Avenue, C.R. 69

Mr. Ernest Spignardo Chairman, Town of New Windsor Planning Board Enries Tailor Shop, Route 32 New Windsor, New York 12550

Dear Mr. Spignardo:

On Friday, May 30, 1980, I met with Donald Moller, Landscape Architect working with Whitfield and Remick, Architects. At that time, I inspected the site of the proposed Y.W.C.A. to be built on Union Avenue, C.R. 69 in the Town of New Windsor.

There are no problems as relates to sight distance and driveway grades; therefore, preliminary approval is hereby granted to ingress and egress to and from County Road 69 at the location shown on the preliminary site plan.

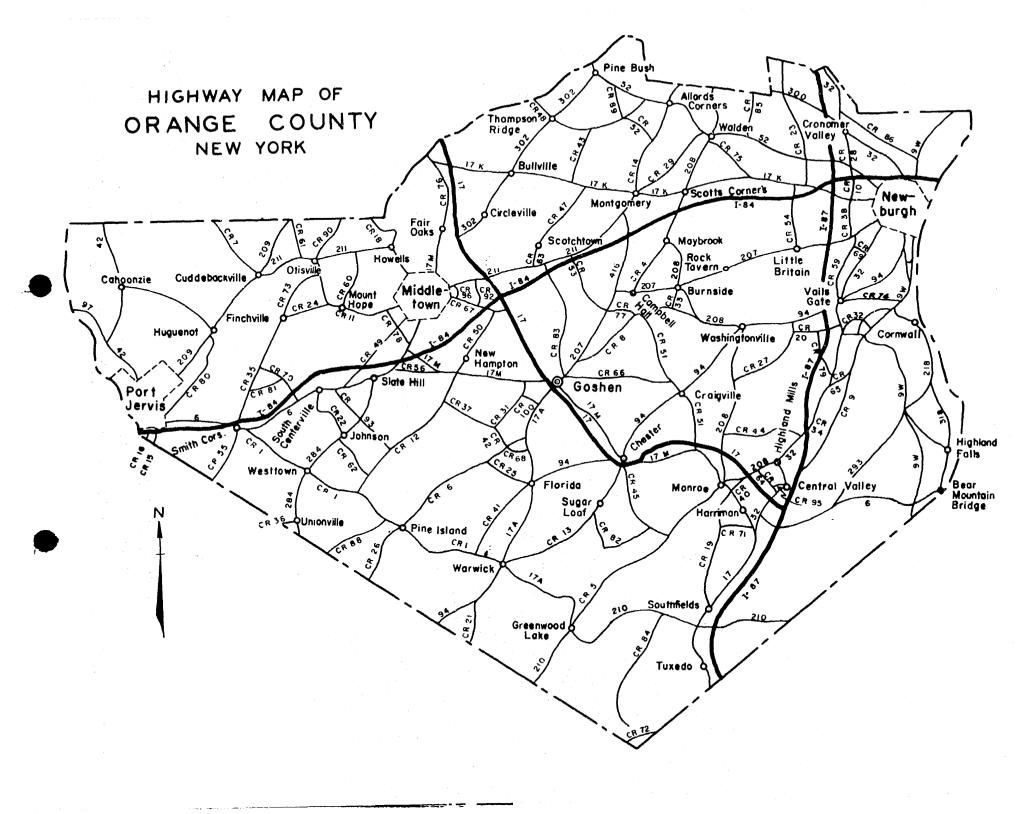
Final approval will be granted subsequent to submittal of final plans to this office.

Very truly yours,

LJC:rjc

Louis J. Cascino COMMISSIONER

cc: John A. Petro, Town Supervisor Paul Cuomo, Town Engineer



Department of Planning

124 MAIN STREET (1887 Building) GOSHEN, NEW YORK 10924 TEL. (914) 294-5151

Peter Garrison, Commissioner

Richard S. DeTurk, Deputy Commissioner

June 24, 1980

Mr. Ernest Spignardo, Chairman Town of New Windsor Planning Board Town Hall 555 Union Avenue New Windsor, New York 12550

Re: Preliminary Site Plan Proposed Orange Area Y.W.C.A.

Dear Mr. Spignardo:

We have this day received your request for review and comments on the above previously forwarded to us by Gene Kolman, of the Orange County Department of Public Works.

We have no problems with the site plan as designed, or the use, and hereby grant Orange County Department of Planning approval consistent with the applicable provisions of Article 12-B, Section 239, paragraphs 1 and m, of the General Municipal Law of the State of New York.

In granting our approval, it does not relieve the Town of its responsibility for bringing the use into conformity with existing zoning and current planning thinking. As matters stand, the use is not permitted either as a matter of right or by special permit of the Zoning Board of Appeals. Nor is there a case to support the granting of a use variance by the Zoning Board of Appeals. The only proper way to have handled this matter was for either the Planning Board or the applicant to have requested of the Town Board consideration of either a zoning map or schedule change. Either would have been acceptable from a planning standpoint.

We think it is not too late to hand this matter in this way. Our own preference would be to amend the map to show R-4

June 24, 1980

Mr. Ernest Spignardo Re: Preliminary Ste Plan

Proposed Orange Area Y.W.C.A.

Whichever course the Town favors will be acceptable to us. Our concern is that the Town Board not the Zoning Board of Appeals be the responsible body for affecting this change and the legitimacy of the Y.W.C.A. in performance of its service to the community.

Sincerely,

Commissioner of Planning

PG:mj

cc: John A. Petro, Supervisor Mark Stortecky, Chairman, ZBA





MEMBER AGENCY
OF THE
ORANGE AREA UNITED FUND

YWCA
Box 6038, Stewart Airport
New Windsor
Newburgh, N. Y. 12550
564-6050

MEMBER
YOUNG WOMEN'S CHRISTIAN ASSOCIATION
OF THE U. S. A.

May 27, 1980

Mr. Ernest Spignard, Chairman, Planning Board and Planning Board Members, Town of New Windsor, New Windsor Town Hall, New Windsor, New York, 12550.

Gentlemen:

The Board of Directors of the Orange Area Young Women's Christian Association respectfully requests that all Planning Board fees be waived.

We appreciate your consideration of this request.

Sincerely,

Janet C. Gruenhagen, President

Board of Directors

Orange Area Y. W. C. A.

JCG/hfs

Department of Planning

124 MAIN STREET (1887 Building) GOSHEN, NEW YORK 10924 TEL. (914) 294-5151

Peter Garrison, Commissioner

Richard S. DeTurk, Deputy Commissioner

June 10, 1980

Mr. Ernest Spignardo, Chairman Town of New Windsor Planning Board Town Hall 555 Union Avenue New Windsor, New York 12550

Re: Site Plan - Orange Area

YWCA - C.R. #69

Dear Mr. Spignardo:

We recently received from County DPW a site plan on the above proposal. Before we can review the plan, we require a letter from the Planning Board requesting our formal review and comment.

We will write a review letter to the Board as soon as we receive proper notification pursuant to the provisions of the General Municipal Law.

Very truly yours,

Joel Shaw

Senior Planner

JS/mh

Jerew 6/25/80 ph

INTER-OFFICE CORRESPONDENCE

TO:

TOWN PLANNING BOARDV

TOWN BUILDING/ZONING INSPECTOR

FROM:

ZONING BOARD OF APPEALS

SUBJECT:

APPLICATION #80-10 - Y.W.C.A.

DATE:

June 24, 1980

Please be advised that the above application for a use variance was granted at the June 23, 1980 session of the Zoning Board of Appeals.

Pat

/pd

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breewid 4/25/80



TOWN OF NEW WINE

955 UNION AVENUE NEW WINDSOR, NEW YORK (914) 565-8550

June 24, 1980

NORTHROP and STRADAR P. O. Box 2395 388 Broadway Newburgh, N. Y. 12550

Attn: Stewart P. Glenn, Esq.

YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF NEWBURGH Application for Use Variance for Lands

565 Union Avenue (Section 4, Block 2, Lot 3.222)

Dear Mr. Glenn:

This is to advise that the above application for a use variance was granted at the June 23, 1980 session of the New Windsor Zoning Board of Appeals.

Formal decision will be drafted in the interim and acted upon at an upcoming session of the Board. I will then transmit a copy to you by return mail.

Very truly yours,

PATRICIA DELIO, Secretary

New Windsor Zoning Board of Appeals

/pd

Town Planning Board - Attn: Ernest Spignardo, Chairman cc:

Town Building/Zoning Inspector Collett



TOWN OF NEW WINDOR pecewid 6/6/

555 UNION AVENUE NEW WINDSOR, NEW YORK

June 5, 1980

Janet C. Gruenhagen, President Board of Directors Orange Area Y.W.C.A. Box 6038, Stewart Airport Newburgh, New York 12550

Dear Ms. Gruenhagen:

This letter will serve as official notice that the New Windsor Town Board waived the fees for your organization with reference to the following: Planning Board, Zoning Board of Appeals, Building Permit and Certificate of Occupancy.

Your continued efforts to bring joy to the area communities is most appreciated. Please accept my personal best wishes for continued success.

Looking forward to having you as a neighbor.

Sincerely,

PAULINE G. TOWNSEND

Town Clerk

cc: Planning Board

Zoning Board of Appeals

Building Inspector

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

In the Matter of the Application of

YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF NEWBURGH.

DECISION GRANTING USE VARIANCE.

#80-10.

WHEREAS, YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF NEWBURGH,
P. O. Box 6038, Stewart Airport, New Windsor, N. Y., has made application
for a use variance to construct a recreation and meeting facility in a
Planned Industrial (PI) zone to be located at 565 Union Avenue, adjacent
to Town Hall; and

WHEREAS, a public hearing was held on the 23rd day of June, 1980 at the Town Hall, 555 Union Avenue, New Windsor, New York; and

WHEREAS, the applicant was represented by Stewart P. Glenn, Esq. of Northrop and Stradar, 388 Broadway, Newburgh, N. Y.; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

- 1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
- 2. The evidence shows that strict adherence to the local law would deprive the applicant and the community of the reasonable use of the premises as an educational, developmental and recreational facility and would create an unnecessary hardship for applicant and residents of Town.

3. The evidence shows that the proposed use would not be injurious to the neighborhood and would serve as an ideal transitional buffer between the residential zone on the north and the industrial property to the south and west.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of law in this matter:

- 1. The evidence shows that the plight of the applicant was due to unique circumstances and not to general conditions suffered by other persons within the zone.
- 2. The evidence shows that the application as presented will not alter the essential character of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and the applicant.

Dated: July 14, 1980.

Sichard Temusak



ywar

STATE OF NEW YORK

DEPARTMENT OF STATE

162 WASHINGTON AVENUE ALBANY, NEW YORK 12231

May 29, 1980

Ernest Spignardo Chairman, New Windsor Planning Board 317 Windsor Highway New Windsor, New York 12550

Dear Mr. Spignardo:

This is in response to your recent telephone inquiry regarding the applicability of municipal zoning regulations to a YWCA facility.

As I indicated in our conversation, the doctrine of immunity from zoning regulations applies to governmental entities only. The reasoning being that by the very nature of things, a municipality must have the power to select the site of buildings or other structures for the performance of its governmental duties. Nehrbas v. Incorporated Village of Lloyd Harbor, 2 N.Y.2d 190, 159 N.Y.S.2d 145 (1957).

A YWCA building would therefore, we believe, be subject to all applicable zoning regulations since it is not a government building used for the performance of a governmental activity.

We hope this information is of assistance to you.

Sincerely,

A. Kevin Crawford

Attorney

AKC/wly

INTER-OFFICE CORRESPONDENCE

TO:

TOWN PLANNING BOARD

FROM:

ZONING BOARD OF APPEALS

SUBJECT: PUBLIC HEARING BEFORE ZBA - June 23, 1980

DATE:

June 11, 1980

Please be advised that there is one public hearing scheduled to be heard before the ZBA on Monday Evening, June 23, 1980:

8 p.m.Application for Use Variance of Y. W. C. A. for a meeting and recreation facility on Union Avenue (PI) zone.

I have attached hereto copies of the public hearing notice which will appear in <u>The Sentinel</u> on tomorrow's date and pertinent applications.

Pat

/pd

Attachments

cc: Town Building/Zoning Inspector

· Planning Board

PUBLIC NOTICE OF HEARING BEFORE ZONING BOARD OF APPEALS TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-33A of the Zoning Ordinance on the following proposition:

•	*		•	
Appea1	No. 10			·.
Reques	st of Y. W. C	. А.	·	
for a	VARIANCE	XMXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	XXXX of	
	m	e Zoning Ordinance ecting and ecreation facil		
CONS	craction ory	cercación racia		
being	a VARIANCE	ANXXXXXXXXXXXX	MXXof	
Section	on 48-9 · Tab	le of Use Regul	lations - Col.	A
for p	roperty situated	d as follows:		
565 <u>Unio</u>	on Avenue, adj	acent to Town I	Hall, Town of	
New	Windsor, N. Y			•
SAID HEARI	NG will take pl	ace on the 23rdd	ay of <u>June</u>	, 19 <u>80</u> ,
at the Nev	w Windsor Town H	all, 555 Union Av	enue, New Windsc	or, N. Y.
œginning	at 8 o'clo	ock P. M.		
	•			
		· VIN	CENT BIVONA	

Chaiman

TOWN OF NEW WINDSOR PLANKING BOARD

APPLICATION FOR SITE PLAN APPROVAL

Wirr	TOWITON CON OTTE LIMIT WILLHOAMI
Neme rbbA	Young Women's Christian Associateory 688 Box 6038 Stewart Airport P.O. How Celindson
1.	Owner of the property YWCA
2.	Location of the property: UNION AVENUE
3.	Zone area RI.
4.	llature of business:
5.	Lot size: Front Rear Depth
6.	Building setbacks: Front yard Rear yard Side yards
7.	Dimensions of new building // 000 Sq FT. Addition
	70

If addition, state front, side, rear of existing structure:

I do hereby affirm that all fees, permits and charges applicable under the laws and ordinances of the State of New York and the Town of New Windsor will be paid and that any expense for advertising of Public Hearing or meetings will be paid. Also, any legal or engineering fees for review of this project.

Maps Required for:

Planning Board Highway Dept. Sanitation Dept. Water Dept. County Planning Board Building Inspector

Action of the Zoning Board of Appeals

capproned sete plan 6/25/80 SA.

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TOWN OF HEW WINDSOR

ZOHING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

80-10 (Number) : 6/10/80 (Uate)

I. Applicant information:

- (a) Young Women's Christian Association of Newburgh
 (Name, address and phone of Applicant)
- (b) P. O. Box 6038, Stewart Airport, New Windsor, New York 12550
- (c) Northrop and Stradar, 388 Broadway, P. O. Box 2395, (Name, address and phone of attorney)
- (d) Newburgh, New York 12550 561-8000

II. Application type:	
X Use variance	
Area variance	
Sign variance	
Special permi	†
III. Property informat	ion:
(a) P I 565 (Add	Union Avenue 4 2 3.222 5.9 acres (M B L) (Lot size)
(b) What other zo	ones lie within 500 ft.? R-4
(c) Is a pending this applicat	sale or lease subject to ZBA approval of tion?
(d) When was prop	perty purchased by present owner? 9/12/78 not within last 10 years
(e) Has property	been subdivided previously? / When?
(f) Has property previously?	been subject of variance or special permit NO When?
	co-remedy violation been issued against the property by spector? NO . If so, when
	outside storage at the property now or is any proposed?
*	
	en de la companya de La companya de la co

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X	.Vl	lica	variance
الحكدا	Tv.	use	variance

(a)	Use Vari	lance	requ	ies ted	£r	om	New	Windsor	Zoning	Local	Law
	Section	48-9		Table	P	Ţ		, Column	A	, to	
	allow	•								- -	

allow					
Education,	developmental	and	recreational	facility	
(Describe pro	oposed use)				

(b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

Strict adherence to the local law would deprive applicant and the community of the reasonable use of the premises as an educational, developmental and recreational facility and would create an unnecessary hardship for applicant and the residents of the Town. Unnecessary hardship would result if applicant is denied the proposed use of the premises because the construction of a long awaited and much needed community facility, which is in keeping with the present character of the neighborhood, will be prevented. Such proposed use in in the public interest, is within the spirit of the local law and is in harmony with the general purpose of the law. Such proposed use would not be injurious to the neighborhood and would serve as ideal transitional buffer between the residential zone on the north and the industrial properties to the south and west

V.	λre	a variance:		
	(a)	Area variance requested from Section, Table	O . 1	Zoning Local Law,
		Requirements	Proposed or Available	Variance Request
• .		Min. Lot Area		
		Min. Lot Width		
		Reqd. Front Yard		
		Reqd. Side Yards		
•		Reqd. Rear Yard		
•		Reqd. Street Frontage*		
		Max. Bldg. Hgt.		
		Min. Floor Area*		
		Development Coverage*	8	<u>°.</u>
		Floor Area Ratio**		
		* Residential districts on ** Non-residential districts		
		,		

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n Varianc	e:				•		
•	requested	from	New Winds			cal La	₹W ,
Variance	requested	able _		Colum or		<u>e</u>	₹W,
Variance	requested , T	able _	Proposed	Colum or	varianc	<u>e</u>	₹W ,
Variance Section	requested , T	able _	Proposed Available	Colum or	varianc	<u>e</u>	w,
Variance Section Sign l	requested , T	able _	Proposed Available	Colum or	varianc	<u>e</u>	w,

__sq.ft.

___sq.ft.

_sq.ft.

Total

VI.

	•	,
•		
	(c)	What is total area in square feet of all signs on premises inc
		signs on windows, face of building, and free-standing signs?

.

	VII.	Spec	cial Per	mit:							1+ _ +
•		(a)			it requ					Zoning	Local
	" .	(b)	Describ		etail the ermit.	he use	and s	structu	res pr	oposed	for
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VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.) The safety, health, welfare, comfort and convenience of the nearby residents (including the Town) and the public will be safeguarded adequately. The proposed use will transform a parcel of unimproved realty which has laid fallow for many years, which has been zoned under various classifications and which could not be sold until purchased by applicant, into a well landscaped, attractive facility which will be an asset to the community. As is set forth on the site plan which is a part of this application, proper drainage, landscaping, parking, etc., will be provided, all subject to

the site plan review of the Planning Board.

IX.	Attachments required:
	Copy of letter of referral from Building and Zoning Inspector.
\$	Copy of contract of sale, lease or franchise agreement.
•	Copy of tax map showing adjacent properties
•	Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
	Copy(ies) of sign(s) with dimensions. Check in amount of \$ payable to Town of New Windsor.
	Photos of existing premises which show all present signs and landscaping.
	All photos must be $8" \times 10"$ or be mounted on $8 1/2" \times 11"$ paper.
;	Other

Χ. **AFFIDAVIT**

June 10, 1980 Date

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

The undersigned Applicant, being duly sworn, deposes ans states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

YOUNG WOMEN'S CHRISTIAN ASSOCIATION

Chairman, Board

of Trustees

Robert O. Weltzien

Sworn to before me this

10t	h day	Present P. Sleve	
XI.		otary Public Notary Public, State of New York Qualified in Orange County My commission expires Mar. 30, 19	
	(a)	Public Hearing date	
	(b)	Variance is	
		Special Permit is	
	(c)	Conditions and safeguards:	
			

A FORMAL DECISION WILL FOLLOW WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS.

